G. R. S. 58]

Previous references.

1904.
(Legis)

Later references.

File No. 25-04

Serial Nos.

Do Ftr No 153 pos-09

GENERAL AND REVENUE SECRETARIAT.

SUBJECT.

Do Collection of papers
re
Legislation for the removal of Civil Disabilities of ~~Indian~~ Natives Converts

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D O File No. 195 of 1908–190

Subject Re- Legislation for the removal of the Civil disabilities of the Native Christian Converts in Mysore State

LIST OF CONTENTS

Serial No.	D. O. No. and date	From whom	To whom	Brief Subject
	6996 / 24.12.08	Asstt Resident-	Dewan	Inviting refce to his P.N Krishnamurthy's D-o dy. the 14 10. 05 re proposed legislation for the removal of the disabilities of the Native Christian Converts & requiring how the question stands
				Subg the Resy letter for his information
				Returning the Resy letter 6996 & 24.12.08 after submn to H.H.-
				Requesting to be furnished wt a copy of Judgment given by the Chief Court of Mysore on 2nd Sept 07 in a case involving the general question of the Civil rights of converts to Christianity
				Informing that no such case was disposed of on 2nd Sept 07 forwarding copies of Judgment in a case of the kind given in a Civil appeal No- 4 of 1908-09.-
				Requesting a further search in the Chief Court records & to be informed whether any Judgment has been passed by the Chief Court in a case specified in the letter

GPB—200—6-8-08

D. O. File No. 193 of 190 8—190

Subject.....

LIST OF CONTENTS

Serial No.	D. O. No. and date	From whom	To whom	Brief Subject
	Camp No 28 23-1-09	W. C. Peland	Dewan	Requesting to be informed of the Govt's present attitude towards the question of legislation about Christian disabilities
				Submy for H.H's information the above D.O. No 28 of 23-1-09 from the Resy and draft of a reply proposed to be sent.
				Communicating H.H's approval to the draft reply proposed to be sent to Resy
				Informing that the Darbar are at present not in favor of adopting legislation on the lines of Mr Risley's draft Regn or modifying the existing law on the subject
				a Copy of judgment of [illegible] High Court in O.S. No. 1016 of 06 [illegible]
				Requesting to get a copy of [illegible] Rs 10½ Judgment
				Requesting permission to make fresh representation in the matter of the disabilities
				Informing him that he may make further representation as desired
				Informing that he will call over at the Residency tomorrow noon in connection with the disabilities

D. O. File No. 193 of 1906—190

Subject.....

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LIST OF CONTENTS.

Serial No.	D. O No. and date	From whom	To whom	Brief Subject
15	Do 14.2.06	Dewan's Secy	Mr Rees	Requesting him to see the Dewan with a copy of the proceedings of the Travancore Munsiff's Court
16	D.O. 15.2.06	Mr Nagaratna Rao	Under Secy	Forwarding a copy of Judgment in O.S. No 1016 of 1906-7 on the file of the Travancore Munsiff's Court
				Forwarding one copy of the proposed decree asked for in his D.O. of 12.2.06 (G. No 267/2)
				Requesting to be informed whether Govt of India can inform that pending the second appeal in the Chief Court against the proposed decree of Travancore munsiff in O.S. No 1016 of 1906 the Durbar desire to postpone the passing of their decree for legislation in the matter
				Sending for His perusal Rees's D.O. letters (Gs. No 10/27/06) Residency regarding the question of Christian Slaves abolition
				Returning the Rees D.O. informing that the Dewan will be glad to see him about 9 a.m. on 23 06
				Returns decree of the Munsiff of Travancore in O.S. No 1016 of 06-07 and furnishes his Dewan with drafts of the proposed appeal against the said decree

Requests to be informed
His Holiness will graciously
Consent to receive a deputation led by the Roman
Catholic Bishop about
regarding the disabilities
of the Christian Converts -

Returns Rev Rees's
letter (R no 23) & informs
that the deputation may
be fixed for any day &
that he will communicate
the reply to be given -

that H.H
received the deputation
on the subject of forwards
on the
consecration the
introductory address by
Rev Tabard Macdonald &
His Holiness reply

Submits for approval
the draft of a letter to the
Residency on the subject of
the disabilities of the converts
to Christianity -

approves of the draft
letter to R on the subject

Subject.....

.....

LIST OF CONTENTS

Serial No.	D. O. No. and	From whom	To whom	Brief Subject
28	1645 26.3.09	Dewan	The Hon'ble the Resident	States that there are no sufficient grounds for asking the Chief Court excuse the delay in filing the appeal against the decision of the Munsiff of Trivandrum in O.S. No 1016 of 00-01 & that as the Law Labour in this respect has evoked opposition from large sections of the Community, H.H's Govt. Consider-ment be pleased to push forward the measure

5

BANGALORE

December 1908

Dear Sir Madhava Rao

Will you please refer to the correspondence ending with Sir P. N. Krishnamurti's D/O letter of the 14th October 1905 regarding certain proposed legislation for the removal of the civil disabilities of Native Christian converts in Mysore and let me know for Mr. Fraser s information how the question now stands.

No E. En: 1.
1492

Camp Srinivaspur,
1st January 1909.

Dear Mr Macnoghie

I submit for His Highness' information a D.O. letter from the Residency dated 24th December 1908, enquiring how the question of the legislation proposed for the removal of the Civil disabilities of Native Christian Converts in Mysore stands at present.

I shall speak to His Highness about the matter when I next wait on him.

Dear Mr Madhava

It is understood that proposition was given by the Chief Court of Mysore on the 2nd September 1907 in a case involving the general question of the civil rights of converts to Christianity -

Mr Fraser will be much obliged if a copy of that judgment can be furnished for his in-

Bangalore,

18th January 1909.

Dear Mr. Copeland,

In your D.O. No. 6979 dated the 23rd December 1908, you ask to be furnished with a copy of a judgment given by the Chief Court of Mysore on the 2nd September 1907 in a case involving the general question of the Civil converts to Christianity.

From enquiries made in the Chief Court, it has been ascertained that no such case was disposed of on the 2nd September 1907. The Chief Court having then been requested to cause search to be made in the records for a period of one year before and after the above date, it is reported that the only case of the kind traced was Miscellaneous appeal No. 4 of 1908-09. I enclose copies of the judgments of the Chief Court and of the Court below, viz., the Court of the Subordinate Judge of Bangalore.

Yours sincerely,

(Sd) V.P. Madhava Rao.

Camp No.27

sident's Camp, Coorg,
23rd January 1909.

Dear Mr. Madhava Rao

With reference to your D.O. letter No.1541/2 dated the 18th January 1909 I am desired to say that the case which was referred to in my D.O. letter No 6979 dated the 23rd December is reported to be one in which a family of Hindus converted to Christianity were held to be deprived owing to their conversion of all their family property in favour of an unconverted Hindu then in Jail for the murder of the son of one of the converts.

Mr. Fraser will be much obliged if further search can be ordered to be made if he can be informed whether any such judgment has been passed by the Chief Court.

Yours sincerely,
Sd/- T. Copeland.

10

THE RESIDENT MYSORE

BANGALORE

23rd Jany

Will you please refer to the correspondence ending with my D.O. letter No. 6996 of the 24th December 1908.

2. The Resident, to whom the Government of India have addressed an enquiry on the subject of the removal of the Civil disabilities of Native Christian Converts in Mysore, will be glad to be informed at a very early date of the present attitude of His Highness' Government towards the question of legislation in this matter, either on the lines of Mr. Staley's draft Regulation or on other lines

3. If there is no objection Mr. Fraser would like to be furnished with a copy of the opinions on Mr. Staley's draft which were received by the Durbar in response to their Notification No. G. Leg. 25-04-01, dated the 13th October 1905 which was published in the Mysore Gazette Extra-Ordinary of that date

Madhava Rao Esqr., C.I.E.,
ewan of Mysore.

PATAN BHAVAN,
BANGALORE.

29th January 1909.

Dear Mr Macnoche

In continuation of my D.O. No.1492 of the 1st instant I herewith send for His Highness' information another D.O. letter from the Residency, Camp No.28 dated 23rd January 1909, on the question of legislation for the removal of the civil disabilities of Converts to Christianity. I submit also the draft of a proposed reply for His Highness' approval.

I shall speak to His Highness on the subject when I wait on him tomorrow.

From W Madhava Rao

Sir Hyslop approves

of the proposed draft

Yours truly

G Narasimhachar

Bangalore

30/1/9

13

Confidential.

Dear Mr. Copeland

Please refer to your D.O. letters No.6996 dated the 24th December 1908 and Camp No.28 dated the 23rd January 1909 on the question of legislation for the removal of the civ disabilities of Converts to Christianity.

The opinions on Mr. Staley's draft are very voluminous and have not been printed, but I send herewith a printed collection giving a list of the persons whose opinions have been received both for and against the draft Regulation together with a brief precis of the opinions.

As regards the attitude of the Durbar towards the question, I may say at once that the Durbar are at present not in favour of adopting legislation on the lines of the draft Regulation or of modifying the existing law on the subject in any manner.

Yours sincerely,

(Sd) V. P. Madhava Rao

THE RESIDENT MYSORE

BANGALORE.

12th Feb, 1909

Dear Mr. Madhava Rao

Will you please refer to my D.O. C. No. 27 of ultimo about the case in which a certain family of Hindus deprived of their rights to property in consequence of the conversion to Christianity,

The Suit in question turns out to be O.S. No. 10 1906-1907 in the Court of the Munsiff of Tumkur and the R has been furnished by the Rev. Mr. Rees with a copy of the judgment.

Mr. Fraser asks me to say, with reference to yo personal conversation of to-day, that he understands you a about to furnish him at an early date with a minute setti forth in detail the reasons for the Durbar's change of in as regards legislation to remove the civil disabilities of vert in amplification of you D.O. Confl: No. 1567/1 13 January 1909

Madhava Rao Esqr., C.I.E.

Dewan of Mysore.

Dear Mr Rajaratn

believe the Secretary
has asked you for a copy of
judgment in a civil case
concerning the rights of Hindus
converted to Christianity.
The case has been ascertained
to be O.S No. 1016 of 1906-07 on
the file of the Munsiff of Trunkut
The Devasam asks me to request
you to kindly obtain and send
a copy of the judgment in the
case as early as possible

Yours sincerely

(Sd) K. Madhavan

Wesleyan Mission,

Bangalore City,

13th February 1909.

Dear Mr Madhawa Rao

I am informed that you have under consideration the question of the Disabilities of Converts to Christianity, which has been revived by the question put in the House of Commons.

The remedy which I hoped would have been adopted, was, the introduction of the Act drafted by the Committee appointed by Government. If this is still deemed impossible, the next best course that appears to me, is, to endeavour to get the judgement delivered in the Tumkur Munsiff's Court set aside.

No steps were taken by the parties when the judgement was delivered and unfortunately, I had to leave on furlough soon after. I am now taking legal opinion as to the best course to adopt in this direction.

As the decision on this point may materially affect the matter, may I respectfully suggest that you defer making any final pronouncement till I communicate further with you?

Yours sincerely

Dear Mr. Rees,

I am in receipt of your letter of today's date I have noted what you say and shall be glad to have any representation you may wish to make in regard to the Christian disabilities question sent in before the 22nd instant. I am leaving this on tour on Tuesday the 16th instant and expect to be back on the 23

Yours sincerely

(Sd) V. P. Madhava Rao

Dear Mr. Fraser,

I shall call at 12 noon tomorrow to speak to you in connection with the Christian asabalus question

Yours sincerely

(Sd) V. P. Madhava Rao

19

14th Feb 09.

Dear Mr Rees,

The Dewan asks me to request you to kindly see him tomorrow afternoon 4 P M. now kindly also bring with you the Judgment of the Munsiffs Court.

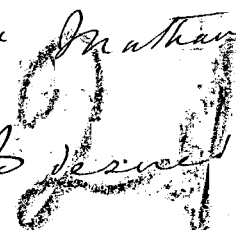
Yours Sincerely
(Sd) R Kanagasabai Pillai

20

Note — Mr S Narayana Row Govt Advocate has also been asked to be present at the time —

15 Feb 1907

Dear Mr Jonathan



I desire to file
D-O (received on the 13th
in O.S No 0160 of 1906
on the file of the Munsif's
for submission to the Dist
No appeal was preferred in
the case

Yrs Sincerely
K Gopalakrishna

Camp Tumkur

16th February 1909.

Dear Mr Copeland

I herewith send a copy of the judgment in O.S.No.1016 in the court of the Munsiff of Tumkur referred to in your confidential D.O. of the 12th instant in which a certain family of Hindus were deprived of their rights to property in consequence of their conversion to Christianity.

22/-

Since Mr. Copeland's demi-official letter of the 12th instant was written I have had the advantage of discussing the question of Christian disabilities with the Revd. Mr. Rees and again with yourself. The result of our conversation is, I understand that in the opinion of all three of us, it will be best both from the point of view of the Durbar and of the Missionaries, that an appeal should be preferred to the Chief Court from the decision of the Tumkur Munsiff in O.S. No. 1016 of 1906-07. That suit raised the very important question of the right of Hindu converts to Christianity to inherit from non-converted members of the family, and before any other action is taken it is advisable to have the pronouncement of the highest judicial authority in the State on the legal principle involved. I further understand that you are about to see Mr. Rees on the subject and will facilitate, so far as lies with the Government, the filing of the appeal, to which objection might be taken on the ground that it is time-barred. On hearing from you that the appeal has been lodged, I propose to inform the Government of India accordingly and to say that, pending the result of the appeal, the Durbar desire to postpone the formulation of their views about the practicability of legislating

in the matter.

Will you please tell me in due course whether the above correctly represents the views of His Highness's Government

Yours sincerely

Sd/-

V. P. Madhava Rao Esq., C.I.E.

Dewan of Mysore

URGENT

Submitted to His Highness.

I submit for His Highness' perusal two demi-official letters from the Residency about the question of the Christian disabilities. I shall speak to His Highness on the subject when I wait on him next, if possible today.

25

19 (20)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Two demi-official letters received from the Residency about the question of the Christian disabilities.

654

609
27.2.09

Order.

Seen. ~~KRW~~
25/2/09

Dear Mr Rees

I shall be glad to see you at 4 p.m. on Tuesday 1st ~~Feb~~ Nov

Yours sincerely

(Sd) R Ramaswamy Rao

W Ivor Rees

Dear Mr. Mathan,

In the matter of the proposed appeal against the decree of the Munsiff of Tumkur in O.S. No.1016 of 1906-07, I note below my view of the case, as -- personally directed by the Dewan Saib and request -- you will kindly place it before him.

1. The following is a brief statement of the --- facts of the case

The three plaintiffs, of whom the 2nd and 3rd are the sons of the 1st, sued one Lingamma and her - son-in-law the 2nd defendant, for a declaration that a deed of gift executed by the said Lingamma, transferring thereby to her daughter (since deceased) and the 2nd defendant, certain immoveable property which she inherited from her husband, is not binding on --- them (plaintiffs) as they are of the cousins of --- Lingamma's husband to whom the property should revert on her death, under Hindu Law. The defendants pleaded

the following day and was delivered on the 10th idem. The time allowed by law for preferring an appeal against this judgment is 90 days excluding the time occupied in obtaining copies of judgment and decree. The appeal had to be filed on or before the 11th December 1907. It is therefore out of time by nearly 15 months

4. We have now to see whether the party was prevented from any cause which the Court may deem 'sufficient' under section 5 of the Limitation Act from filing the appeal within the time allowed.

5. The first plaintiff who came and saw me at the request of Revd: Mr. Rees was not able to give out any reason at all why a copy of the decree was not applied for and why no appeal was preferred. He merely stated that he was ignorant that he had to file the appeal within any particular time His missionary friends seem to have taken no steps in the matter under the belief that if the draft "Regulation for the Removal of Religious and Caste Disabilities" published in the Mysore Gazette of 24th October 1905 became law there would be no necessity to carry the matter in --

CHRISTIAN DISABILITIES, MYSORE

House of Commons November 30th 1908.

Mr. Ernest Lamb To ask the Under Secretary of State for India whether his attention has been called to an answer given to a Question put in this House by the present Lord President of the Council, to the effect that in the case of Dasamma v. Chikkamma, dated 21st December 1894, the chief court of Mysore decidedthat a convert to Christianity, in consequence of his change of faith was ipso facto deprived of his right of guardianship over his children, and it was stated that an apostate from the Hindu religion loses his civil rights; whether his attention has been called to a judgment dated 2nd September 1907, delivered in the same State, of which the result has been that converts to the religion suffer greater disabilities, by Hindu law than one convicted and imprisoned for murder, inasmuch as converts are deprived of the ability to sue for their civil rights; whether he can supply a copy of the judgment referred to; whether he is aware that the Mysore Durbar appointed an influential committee, on which all castes were represented, to draft a regulation for the removal of these disabilities—but that such regulation, although prepared and published, was not adopted; and whether, in view of this draft regulation not having been brought into force, he can see his way to approach the Government of India with a view to suggesting to the Mysore Durbar the advisability of introducing the measure in question or some similar measure in order to remove the disabilities under which Native converts to Christianity now suffer.

A. Mr. Buchanan: The Secretary of State is aware of the answer given in this House on the 12th. March 1903 as to the disabilities attaching to converts from Hinduism in the Mysore State. His attention has been drawn to the judgment of the chief court of Mysore, to which the honourable Member refers, but he does not possess a copy of the judgment and cannot speak as to its exact purport. He has been informed unofficially that no steps have yet been taken by the Mysore Durbar to give effect to a regulation on the subject drawn up by a Committee appointed by them. The Government of India are being asked to report upon the present position of the question.

32

In the Court of the Munsiff of Tumkur, dated the 2nd day of September, 1907

PRESENT: T Krishna Iyanger Esquire, B.A.E.I., Munsiff

Plaintiffs	Defendants
1 Hanumantha	1 Lingamma
2 Vangiah	2 Kewpa Hinna
3 Thimma	

1. The suit was brought for a declaration that the gift of the scheduled properties dated 10th December 97 made by 1st Defendant a Vokkahgar widow in favour of Gengamma her only daughter (2nd Defendant's wife) since deceased would not operate against the reversionary interest of the 1st Plaintiff or that of his sons Plaintiffs 2 and 3 if the Court should hold that 1st Plaintiff has since become a convert to the Christian religion and has as such forfeited his rights

2. The other allegations made in the plaint were that the properties were the 1st Defendant's husband Thimme Gowda's ancestral, that the Plaintiffs were the only reversioners to Thimme Gowda's estate, that Gangamma and her only son had died 8 and 2 years ago respectively and that the Defendants were living together

efence was that the Plaintiffs were not related to Thimme Gowda and that Plaintiffs had become converts to the Christian religion

4. The plaint was presented on 11/4/1907 and the 2nd Defendant's written statement was filed on 17/6/1907

5. The 1st Defendant s defence was also stated on 17/6/1907

6. The suit came on for settlement of issues on 17/6/1907

7. The following issues were settled;

The Plaintiffs filed the following exhibits;
(A) Certified extract from Phavati Patta Tabdil List of Secktikere for 1896/97
(B) Ditto. for 1903/4

The Defendants examined the following witnesses;
(1) Kapani (2) Nanjundia (3) Hatcha Honne Gowda
(4) Rev D A. Rees (5) Rev. W. V. Trewhella.
The Defendant s filed no exhibit.

That Plaintiffs were Thimme Gowda's Dayadies was proved

The Plaintiffs alleged that 1st Plaintiff was the nephew of 1st Defendant father-in-law

The Defendants deposed as Plaintiff's witnesses that they did not know if the 1st Defendant's father-in-law had a brother or who the 1st Plaintiff's father was and that Plaintiffs might have been Thimme Gowda's distant Dayadies.

Thimme Gowda died in 1896. The properties were in his patta. During the transfer of patta after his death 1st Plaintiff was named as his distant Dayadi (vide Exhibit A) 1st Plaintiff then claimed the patta in his favour but it was allowed to 1st Defendant.

The Defendant's own witness Much Hoppa admitted that 1st Plaintiff and Thimme Gowda were Dayadies.

Hence on the 1st issue I find that Plaintiffs were the only reversioners to Thimme Gowda.

On the 2nd issue there is ample evidence to hold that Plaintiffs 1 and 3 have become Christians.

The two Reverend Messrs D. A. Rees and W. V. Trewhella stated that the former had baptized the 1st Plaintiff on 21st July 1908 and the latter the 3rd Plaintiff and his mother on 20th September 1903

The Plaintiffs cited three persons of their caste and Defendants three others.

The Plaintiffs own witnesses Nanjanna and Honnia refused interdining with Plaintiffs.

The Plaintiffs 1 and 3 denied the conversion. The 1st Plaintiff has removed the 'Jothu' or hair, though the 3rd Plaintiff is keeping it

No enquiry purports to have been made in the matter by the Vakkahgar Guru and the witnesses of the Vakkahgar Caste do not know personally when the Plaintiffs had become Christians.

The 2nd Plaintiff who was accused of having murdered the 2nd Defendant's son is now in the central jail. No missionary was cited to prove the 2nd Plaintiff's conversion.

Renunciation of Hindu religion is a ground for exclusion from inheritance under the Hindu law.

Hence my finding on the 2nd issue is that Plaintiffs 1 and 3 who are converts to the Christian religion are not entitled to sue.

26. Since a Hindu widow takes only a special and qualified estate, she cannot make the gift of her husband's entire estate to her daughter Hence on the 3rd issue my finding is that the gift is not operative the 2nd Plaintiff, 1st Defendant, her daughter her daughter s son, and 2nd Defendant are the Pattadars in order.

27. Consequently a decree will be granted to only the 2nd Plaintiff for the suit relief Since the suit so far as Plaintiffs 1 and 3 is concerned has failed, they will make good the Defendant s costs and the Defendants will make good 2nd Plaintiff s cost or one-third of the total costs incurred by all the Plaintiffs together. The costs allowed will carry current interest at 6 per cent per annum from this date.

Pronounced in Open Court

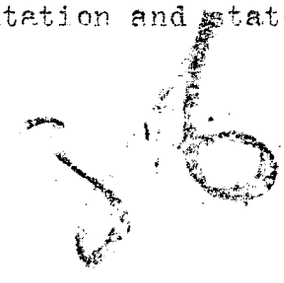
(sgd.) T. Krishna Iyanger.

2/9/07.

Dear Mr. Maconochie,

The representatives of the Christian subjects of the Mysore State have prepared a statement and memorial regarding the Disabilities of Christian converts, which they desire to present to His Highness in person. The number forming the deputation would be three or six, and would be led by the Roman Catholic Bishop.

Will you kindly ascertain if His Highness will graciously consent to rece ve such a deputation and state when and where it should come.



Yours sincerely,

(Sd) D.A. Rees.

E. Maconochie Esq., I.C. S.,
Private Secretary to
His Highness the Maharaja
of Mysore.

P.S.

It is decided that it is useless attempting to get an appeal admitted.

Bangalore,
11th March 1909.

Dear Mr. Maconochie,

I have spoken to the Hon'ble the Resident on both the subjects which His Highness had commissioned me to speak to him about. His Highness will be glad to hear that on both the questions the Resident is disposed to take a view which will be found to be in accord with His Highness' wishes.

The deputation of the Missionaries may be fixed for any day that may be convenient to His Highness. I will communicate to His Highness the reply, rather the no reply, to be given.

I will be in Mysore on Saturday morning and will wait upon His Highness at the usual hour unless I hear to the contrary.

I went to Ramasagar on Wednesday (yesterday) and returned in the evening. The bund has collapsed entirely and the explanations of the Engineers are not quite consistent with the facts noticed by me but the debris must be entirely removed before the true cause can be ascertained. The collections are not coming in as estimated and are causing the Finance al Department some anxiety. I had a talk with Mr. Chakravarti and asked him to prepare a note for submission to His Highness. He has not got it ready . I will bring it with me. I will explain the causes of the falling off to His Highness in person.

Yours sincerely,

(Sd) V.P. Madhava Rao.

I need only say here that it is not due to the scarcity much less the so called famine.

(Intd) V.P.M.

is Highness desire me to inform you that he received the Deputation on the subject of the disabilities of Native converts to Christianity, consisting of the Revd A.M.Tabard, representing the Roman Catholic Bishop of Mysore, the Revd D.A.Rees, Wesleyan Mission, and the Revd E.P.Rice London Mission this afternoon, and to forward for your information and consideration the following papers

Before asking Your Highness, leave to read our Memorial, we it to be our duty to express our most heartfelt thanks for Your Highness' condescension in consenting to receive our deputation

We feel all the more as we know fully well that the legislation we are asking is likely to meet again with a great deal of opposition. But we rely on the justice of our cause and we believe at the same time, that any opposition which may arise will soon quiet down, when the people of Mysore come to realise that, though Act XXI of 1850 has been in force in British India for nearly 60 years, while it has, to quote the H.E. the Governor of Madras in Council "fairly fulfilled its object of protecting the interests of Christian converts", there is not the slightest indication that it has struck at the root of the whole social fabric of the country

His Highness

Sri Krishna Rajendra Wodeyar Bahadur. G.C.S.I.,

Maharaja of Mysore

MAY IT PLEASE YOUR HIGHNESS,

We, as representatives of Your Highness' Christian subjects, venture, mo respectfully, to place before Your Highness a Memorial concerning the serious Disabilitie to which converts to the Christian Religion are subjected by the law. as now interprete and enforced in the courts of the Mysore State

At the outset we would acknowledge gratefully the liberties and privileges, whic we, in common with all other subjects of the State, enjoy under Your Highness' rule and on behalf of ourselves and those whom we represent, we would express our stron and unfeigned loyalty to the person and throne of Your Highness. The past years Your Highness administration have proved to the people of the Mysore State that the are governed by a Ruler, who has at heart their true happiness and welfare, an who seeks constantly to afford to all an equal protection, without respect to caste or creed It is this knowledge which emboldens us to lay this Memorial before Your Highnes in person.

With Your Highness gracious permission we will submit a brief history of th question. The disabilities, under which our people are now suffering, were brought t light by the judgement of the Chief Court of Mysore in the case of Dasappa Chikkammma, given on 19th June, 1894 This was a case in which a Christian conver sued for the right of guardianship over his own children. The decision of the Cou which embodied the views of the two puisne Judges on the bench, in opposition to thos of the Chief Judge, the late Raja Dharma Pravina T. R. Thumboo Chetty, denie this right to the plaintiff on the ground of his having become a Christian. The followin extracts will suffice to indicate the point of view of these two Judges :—

> "It does not seem necessary to quote from Smrithys and Digests of Hindu Law to prove that an apostate from Hindu religion. who is expelled from caste, loses his civil rights.
>
> "The Hindu Law makes him lose his civil rights, justifies the wife, if she chooses, to live separately from him and empowers his sons to divide his property among them. It was to remove these disabilities that Act XXI of 1850 was passed, and it being admitted that that Act has not been extended to the Province, we have no right to declare that the disabilities do not exist."

We feel it our duty to point out that this judgement gives to codes, which wer mainly intended for Brahmans, a universal application, to which they are not entitled, an in the case of some of the lower non-Aryan castes, which do not perform Shraddha, creates disabilities which did not exist before.

Immediately on the pronouncement of this judgement, the Christian subjects Your Highness petitioned for the introduction of Act XXI of 1850, or some simila measure. This Act, which has been in force in British India for nearly sixty years an

has been introduced into the Civil and Military Station of Bangalore, provides that no one, by reason of exclusion from caste or change of religion, shall forfeit any civil rights.

The Mysore Durbar, writing to the British Resident on March 9th, 1895, reviewed the position created by the Chief Court judgement and concluded as follows :—

> "Thus, after giving their best consideration to the conflicting interests involved in the important question under discussion, the Durbar have arrived at the conclusion that it would be right to provide by law for the continuance to a convert of all his rights of property of whatever kind including those of inheritance and partition, subject to the condition that the exercise of such rights should in no way interfere with the proper and undisturbed enjoyment by others especially co-parceners and other members of the family of their own immemorial rights."

The views thus expressed were embodied in a draft regulation, which received the approval of the Council of Regency, but was not brought into operation.

After a lapse of nearly ten years, a Committee, on which all castes were represented, was appointed to consider whether legislation for the removal of these disabilities was required, and they were empowered to draft such a measure as they considered necessary. The Committee unanimously decided that legislation was needed and their Draft Regulation was published for general information on October 13th, 1905.

We are aware that a considerable number of petitions, adverse to the introduction of the Regulation, was received, but we respectfully submit that any measure of this nature, which is designed to secure the rights of a minority, is peculiarly liable to misrepresentation and is certain to meet with opposition. It belongs to the category of measures, which, if passed, are made law, not because they are popular but because they are inherently just. That the Draft received the unanimous approval of the influential and representative Committee which was appointed to deal with the question, is a fact which we believe will have great weight with Your Highness.

When this Regulation was published, Your Highness' Christian subjects entertained the hope that, at last, their disabilities would be removed. They recognised that the proposed Regulation did not concede all that had been asked for, but seeing that it afforded a substantial measure of relief, while safeguarding the rights of others, they were prepared to welcome it. Since its publication in 1905, no further step has been taken to bring it into force, and to-day Your Highness' Christian subjects are in a worse position than they ever were.

We would, in particular, draw the attention of Your Highness to a judgement delivered in the Munsiff's Court, Tumkur, on September 2nd, 1907. In this case three plaintiffs sued for certain rights of property. Their claim was declared valid, but inasmuch as two of them were Christian converts, they were adjudged not entitled to sue. The claim of the third, who had not changed his religion, but had been convicted of murder and is now undergoing penal servitude, was allowed by the Court and the decree was given in his favour. We respectfully submit that a law, which inflicts upon a Christian convert the deprivation of all his civil rights, whilst securing the murderer and convict in the full enjoyment of the same, is an anomaly. To quote the phrase of a leading Indian Jurist, the Christian convert in the Mysore State solely because of his having exercised a generally recognised right in changing his religion, is made "an outlaw." We respectfully and earnestly appeal to Your Highness for redress.

A few months ago, the Jubilee of the Queen's Proclamation of 1858 was celebrated. That Proclamation has been the charter of the religious liberties of the millions of British India. In it the following memorable words occur :—

> "Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose

> our convictions on any of our subjects We declare it to be our royal will and pleasure that none be in anywise favoured, none molested or disquieted, by reason of their religious faith or observances but that all shall alike enjoy the equal and impartial protection of the law."

In this Memorial, we most respectfully ask only that, by the exercise of tne gracious will and pleasure of Your Highness, the same freedom from religious disabilities may be bestowed on the Christian subjects of this State as the late Queen-Empress and the present King-Emperor have confirmed to all their subjects in British India, of whatever creed.

We pray that the blessing of Almighty God may rest upon Your Highness and the house of Mysore and that all the deliberations of Your Highness' Government may be inspired by wisdom and bear fruit in righteousness.

The subject of the memorial that you have presented to me today has been before successive Administrations in Mysore for a number of years past. The difficulties attending a final solution of the problem are well known to you, who have so long resided in my State, and among my people. You will not therefore expect a definite reply from me on the present occasion.

I thank you for the sentiments that you have expressed on behalf of the Communities that you represent, towards the Rule of Mysore and his Government, and I give you the assurance that your memorial will receive most earnest consideration.

37

Submitted to His Highness.

I submit for approval the draft of a letter to the Residency on the subject of the disabilities of converts to Christianity.

The letter also indicates the lines of the reply to be given to the deputation which waited on His Highness on the 17th instant in connection with the subject.

Please refer to your confidential letter of the 15th February on the subject of the removal of the disabilities of converts to Christianity.

I discussed with the Rev. Mr.Rees the question of preferring an appeal to the Chief Court against the decision of the Munsiff of Tumkur in O.S.No.1016 of 1906-07 and also consulted the Government Advocate on the subject. I enclose a copy of the opinion furnished by the Government Advocate. As he thinks that "there are no sufficient reasons for asking the Court to excuse the delay in filing the appeal", it has been decided to give up the idea of preferring an appeal to the Chief Court, and in this view the Rev. Mr. Rees has also concurred.

As regards the reasons for the Durbar's present attitude in regard to the legislation proposed, I enclose a memorandu which I hope will explain the position in sufficient detail.

Recently, as you are no doubt awre, a deputation representing the interests of Christian converts waited on His Highness the Maharaja and presented to His Highness a memorial on the subject. His Highness did not immediately give a definite reply, but the Durbar proposed to give a reply in general terms to the effect that the legislation is likely to run counter to public sentiment and has evoked opposition

from large sections of the community, both Hindu and Mahomaden and that His Highness' Government consider it inexpedient to push forward the measure, especially at a time when the public mind is agitated all over India.

I would also venture to add that it is desirable that the British Government should avoid all suspicion of bringing pressure to bear upon a Native State in connection with questions which are mixed up with the religions of the country and in regard to which the public mind is so

Legislation with reference to apostacy or loss of caste must in a Native State like Mysore be ~~guided by~~ considerations of expediency and not more abstract ~~discussions of the~~ principles such as liberty of conscience. As the disabilities of Native Christian Converts has been urged as the ground of legislation, it is desirable to consider what exactly is their position under the existing law. The law in Mysore does not forbid any one from changing his religion and adopting another. A Native Christian is not prevented from acquiring, holding, or disposing of, property of any description from pursuing any calling or ho any public office. Neither in C in political rights is any dist made between the members of one and those of another. In these respect the law in Mysore is far more liberal than the law in England was, regarding the status of Roman Catholic It was only in 1829 that the Emancipation Act enabled Roman Catholics to sit and vote in Parliament, to vote in Parliamentary elections and to hold civil and military offices under the crown and exercise any other franchise or civil right but always conditionally upon their taking the form of oath prescribed by the Act. In theory

at least, Roman Catholics who abstained from taking the oath ~~provided~~ prescribed for ~~their benefit~~ them, remained subject to the penalties of recusancy till 1846. Even at the present time a Roman Catholic seems to be incompetent to hold certain high offices of State such as that of Lord Chancellor. A bill for getting rid of doubts and removing this disability was introduced in the House of Commons in 1891 but at the second reading was rejected. The Act of 1829 enacted provisions for the gradual suppression and final prohibition of Jesuits and members of other religious orders or socities of the Church of Rome bound by monastic or religious vows, — including, under various pains and penalties provision for the registration of all Jesuits and other male regulars, prohibition agains any Jesuit or other male regular coming into the kingdom, provision for the granting of licenses to such persons by the Secretary of State for periods of not more than six months and provision against the admission of a new member of any order. Under section 34 of the Act any person who after the commencement of the Act is admitted or becomes a Jesuit or brother or member of any other such religious order, community or society is to be deemed to be guilty of misdemeanour and on conviction is ordered to be banished from the United Kingdom for the term of his natural

life. By section 26 of the Act Roman Catholic ecclesiastics are forbidden to exercise any of the ~~rights~~ rites or ceremonies of their religion or wear the habits of their order save within the usual places of worship or in private houses under a penalty of £ 50

Hinduism has always been the most tolerant of all religions and Hindu Governments have seldom sought to place restrictions upon the followers of other creeds. The rule of Hindu law that a Hindu who becomes a convert to another religion shall forfeit his rights to property against his family must not be confounded in character with rules imposing disabilities on the followers of other religions and is merely a measure adopted by Hindu Society with the object of self preservation. Differences of creed have often and especially in the past exercised a disruptive influence on societies. It requires ages of education for societies to realise that an individual may profess a creed differing from the one dominant in a society and yet be a loyal member of that society. The not unnatural desire of the Hindu community to keep its members within its own fold and the intimate connection between religion and inheritance in the system of the Hindu law are at the basis of the rule of forfeiture by reason of change of religion or loss of caste. The relaxation of

rules of this character affecting social usages must be left to the influence of the spread of education and the sure, if slow, change of public opinion within the community concerned. Exceptional circumstances may sometimes justify legislation in advance of the public opinion of the community. If for instance a community tolerated the practice of infanticide the Government would be justified in prohibiting it, notwithstanding the approval of the practice by the community. But ordinarily, no ruler can affect or afford to ignore the sentiments of the community of which he is the responsible head. It is not enough to justify a change in the law that it is desirable in the opinion of the enlightened few, or that it is desirable as an abstract rule of perfection. It is also necessary that legislation should not run counter to the feelings, nay, even the prejudices, of the community. On the other hand the strength of the popular prejudice in favor of a law is recognised even by such a radical as Bentham as the measure of the indulgence which should be granted to it (Theory of Legislation, p.76.). It is enough to give two or three instances.

Notwithstanding the fact that there has been a scandalous maladministration of the Religious Endowments in Southern India and that there has been a universal demand by public opinion in the country for a change in the law, the

British Government has ~~in deference to the opinion of missionary bodies at~~ home steadily declined to introduce any legislation on the subject. The injustice of the treatment accorded to British Indians in the South African Colonies is recognised by all responsible statesmen in England. But the Government are unwilling to interfere for the protection of the British Indian Settlers for the reason that such interference is opposed to the wishes of the community in those colonies. If in enlightened England it was not possible to pass the Deceased Wife's Sister's Marriage Act till the year 1907 or to afford relief to persons in the position of the late Mr. Bradlaugh till the year 1888, allowance may be fairly claimed for the responsibilities and difficulties in the way of the ruler of a Native State in introducing legislation touching not merely rights ~~of~~ property but social usages. The draft bill for the removal of disabilities of converts was published in the year 1905-06 and the numerous memorials received by the Government testify to the strength of the opposition it has aroused in the public mind. That any legislation of this kind must be a source of grave dissatisfaction and discontent among the subjects of His Highness must be obvious. It would be a very invidious position for His Highness to be supposed to have yielded to the agitation of

missionary bodies backed up by the pressure of the paramount power.

The question now raised is practically of no importance to the bulk of the Native Christian community in the State. It is of importance only to the microscopic minority of new recruits to Christianity whose ardour for conversion requires to be stimulated by temporal considerations of nature. It has been pointed out in the discussions connected with the bill that it is open to the person intending to become a convert to sue for partition and obtain his share in the family property before he becomes a convert. As it is possible to avoid the rigour of the rule of Hindu law by taking action in the manner suggested, the argument for legislation necessarily loses force. It may be asked why a rule which can be evaded should not be repealed, but the answer is that while any remedy dependent upon the action of the courts or of the individuals concerned is recognised by the existing law and public opinion, a change in the law will be opposed to the sentiments of the people.

It has been suggested in the cours of these discussions that the increased opportunities for foreign travel must increase the number of persons who have lost caste and that the existing law will be productive of hardship in their case and will deter others from avail-

ing themselves of the advantages of foreign travel. But what amounts to loss of caste is a matter dependent upon the opinion of the society at the time and any one who has been observant of the changes going on in Hindu society must be aware of the elasticity of social rules and of the fact that society has in this respect become more accommodating than it used to be some years back. The courts of law have also taken a less stringent view of departures from social usages than would have been the case a generation ago. (31 Cal. 11 R.C)

In the opinion of the Government the whole question is one which should be left to the silent influence of education and the growth of public opinion within the community, to the inherent elasticity of even the supposed immutable system of Hindu social usages and to the action of the courts of law. Inexpedient as legislation of the kind suggested is in the present state of public opinion in this Province, it is particularly inopportune at a time when the political agitator is abroad ready to avail himself of every opportunity of misinterpreting the motives of the Government and discrediting them in the eyes of the people as alien and therefore unsympathetic.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Draft of a letter to the R
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Please refer to your confidential letter of the 15th February on the subject of the removal of the disabilities of converts to Christianity.

I discussed with the Rev. Mr. Rees the question of preferring an appeal to the Chief Court against the decision of the Munsiff of Tumkur in O.S.No.1016 of 1906-07, and also consulted the Government Advocate on the subject. I enclose a copy of the opinion furnished by the Government Advocate. As he thinks that "there are no sufficient reasons for asking the Court to excuse the delay in filing the appeal," it has been decided to give up the idea of preferring an appeal to the Chief Court, and in this view the Rev. Mr. Rees has also concurred.

As regards the reasons for the Durbar's present attitude in regard to the legislation proposed, I enclose a memorandum which I hope will explain the position in sufficient detail.

Recently, as you are no doubt aware, a deputation representing the interests of Christian converts waited on His Highness the Maharaja and presented to His Highness a memorial [illegible]

on the subject. His Highness did not immediately give a definite reply, but the Durbar propose to give a reply in general terms to the effect that the legislation is likely to run counter to public sentiment and has evoked opposition from large sections of the community both Hindu and Mahomaden, and that His Highness' Government consider it inexpedient to push forward the measure, especially at a time when the public mind is agitated all over India.

I would also venture to add that it is desirable that the British Government should avoid all suspicion of bringing pressure to bear upon a Native State in connection with questions which are mixed up with the religions of the country and in regard to which the public mind is so sensitive.

Copy of letter dated Bangalore, 9th March 1909, from the Government Advocate, to the Under Secretary on duty with the Dewan.

In the matter of the proposed appeal against the decree of the Munsiff of Tumkur in O.S. No.1016 of 1906-07, I note below my view of the case, as personally directed by the Dewan Saib and request you will kindly place it before him.

1. The following is a brief statement of the facts of the case.

The three plaintiffs, of whom the 2nd and 3rd are the sons of the 1st, sued one Lingamma and her son-in-law the 2nd defendant, for a declaration that a deed of gift executed by the said Lingamma, transferring thereby to her daughter (since deceased) and the 2nd defendant, certain immoveable property which she inherited from her husband, is not binding on them (plaintiffs) as they are the cousins of Lingamma's husband to whom the property should revert on her death, under Hindu Law. The defendants pleaded that the plaintiffs are not related to the husband of Lingamma and that the plaintiffs cannot maintain this suit as they had become converts to Christianity. The plaintiffs in reply denied that they had become Christians.

2. On the evidence adduced in the case, the Munsiff recorded the following findings:- (a) that the plaintiffs are the cousins of the first defendant's late husband (b) that the first and 3rd plaintiffs had embraced Christianity and (c) that the 2nd plaintiff was not proved to have become a Christian. He passed a decree to the effect that the 1st and 3rd plaintiffs were not entitled to sue and that the gift made by the 1st defendant is not binding on the 2nd plaintiff. Thus the plaintiffs have substantially succeeded in the case, as the 2nd plaintiff who is the son of the 1st and who joined the other plaintiffs in carrying on this litigation, is not said to be hostile to the matter.

3. This judgment was passed on the 2nd September 1907. A certified copy of the same was applied for on the following day and was delivered to the applicant on the 10th idem. The time allowed by law for preferring an appeal against this judgment is 90 days excluding the time occupied in obtaining copies of judgment and decree. The appeal had to be filed on or before the 11th December 1907. It is therefore out of time by nearly 15 months.

4. We have now to see whether the party was prevented from any cause which the Court may deem "sufficient" under section 5 of the Limitation Act, from filing the appeal within the time allowed.

5. The first plaintiff who came and saw me at the request of Revd: Mr. Rees was not able to give out any reason at all why a copy of the decree was not applied for and why no appeal was preferred. He merely stated that he was ignorant that he had to file the appeal within any particular time. His missionary friends seem to have taken no steps in the matter under the belief that if the draft "Regulation for the Removal of Religious and Caste Disabilities" published in the Mysore Gazette of 13th October 1905 became law there would be no necessity to carry the matter in appeal to the Chief Court. In these circumstances, I am of opinion that there are no sufficient reasons for asking the Court to excuse the delay in filing the appeal.

6. The most important question in the case is whether the change of religion is a disqualification for inheriting under Hindu Law. The weight of authority is certainly in favour of the view taken by the Munsiff. He is also supported by the opinions of European writers on Hindu Law. (Mayne and West Bhuler). But the original texts on which these opinions are based seem o give room for advancing strong arguments in favour of the opposite view. (vide Ghose's Principles of Hindu Law section VIII Inheritence).

7. As the plaintiffs have substantially succeeded in the case

and as the ime for making the appeal elapsed long ago, I do not think it advisable to move in the matter.

-: M E M O R A N D U M :-

Legislation with reference to apostacy or loss of caste must in a Native State like Mysore be guided by considerations of expediency and not by mere abstract principles such as liberty of conscience. As the disabilities of Native Christian Converts has been urged as the ground of legislation, it is desirable to consider what exactly is their position under the existing law. The law in in Mysore does not forbid any one from changing his religion and adopting another. A Native Christian is not prevented from acquiring, holding, or disposing of, property of any description, from pursuing any calling or holding any public office. Neither in Civil nor in political rights is any distinction made between the members of one creed and those of another. In these respects the law in Mysore is far more liberal than the law in England was, regarding the status of Roman Catholics. It was only in 1829 that the Emancipation Act enabled Roman Catholics to sit and vote in Parliament, to vote in Parliamentary elections and to hold civil and military offices under the Crown and exercise any other franchise or civil right but always conditionally upon their taking the form of oath prescribed by the Act. In theory at least, Roman Catholics who abstained from taking the oath prescribed for them, remained subject to the penalties of recusancy till 1846. Even at the present time a Roman Catholic seems to be incompetent to hold certain high offices of State such as that of Lord Chancellor. A bill for getting rid of doubts and removing this disability was introduced in House of Commons in 1891 but was rejected at the second reading ~~was rejected~~. The Act of 1829 enacted provisions for the gradual suppression and final prohibition of Jesuits and members of other religious orders or societies of the Church of Rome bound by monastic or religious vows,- including, under various pains and penalties, provision for the registration of all Jesuits and other male regulars,

prohibition against any Jesuit or other male regular coming into the Kingdom, provision for the granting of licenses to such persons by the Secretary of State for periods of not more than six months and provision against the admission of a new member of any order. Under section 34 of the Act any person who after the commencement of the Act is admitted or becomes a Jesuit or brother or member of any other such religious order, community or society is to be deemed to be guilty of a misdemeanour and on conviction is ordered to be banished from the United Kingdom for the term of his natural life. By section 26 of the Act Roman Catholic ecclesiastics are forbidden to exercise any of the rites or ceremonies of their religion or wear the habits of their order save within the usual places of worship or in private houses under a penalty of £50. Hinduism has always been the most tolerant of all religions and Hindu Governments have seldom sought to place restrictions upon the followers of other creeds. The rule of Hindu law that a Hindu who becomes a convert to another religion shall forfeit his rights to property against his family must not be confounded in character with rules imposing disabilities on the followers of other religions and is merely a measure adopted by Hindu Society with the object of self preservation. Differences of creed have often and especially in the past exercised a disruptive influence on societies. It requires ages of education for societies to realise that an individual may profess a creed differing from the one dominant in a society and yet be a loyal member of that society. The not unnatural desire of the Hindu community to keep its members within its own fold and the intimate connection between religion and inheritance in the system of the Hindu law are at the basis of the rule of forfeiture by reason of change of religion or loss of caste. The relaxation of rules of this character affecting social usages must be left to the influence of the spread of education and the sure, if slow, change of public opinion within the community concerned. Exceptional circumstances may sometimes justify legislation in advance of the public opinion of the community. If for instance

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Will you please refer to Mr. Madhava Rao's D.O. con fidential letter of 26th ultimo on the subject of the removal of the disabilities of converts to Christianity from which I understand, that it is under contemplation to reply to the re cent memorial presented to His Highness that the proposed leg lation is likely to run counter to public sentiment and has evoked opposition from large sections of the community and that His Highness Government consider it inexpedient to push forward the measure, especially at a time when the public mir is agitated all over India.

This very important subject is one which I have had no opportunity of discussing with you since your appointment as Dewan, and I write to suggest that no reply should be returned to the memorialists until we have spoken about the mat ter. I need not remind His Highness' Government that the removal of the grave injustice from which Christian converts in this State at present suffer - not merely the few who have pr perty to lose but the whole community from the stigma now attaching to it - is a question of far more than local interest and is one which has attracted and will continue to attract the attention of the House of Commons and of a powerful sect of public opinion in England. This aspect of the matter is without importance and entails the necessity for great care the preparation of a statement of policy worthy of the reput tion of the State, but of course the merits of the case are what deserve the principal consideration at the hands of the Durbar.

The following points in Mr. Madhava Rao s letter a the memorandum accompanying it appear to me to require furth attention:-

(i) The Government of Mysore cannot decide this questio

to-day without giving full weight to the effect of their own admissions and action during the past 14 years. It is not sufficient to say that legislation is likely to run counter to public sentiment Both Sir K. Sheshadri Iyer and Sir P.N. Krishna Murti must have been aware that such legislation would evoke opposition when the former in 1895 said that the Durbar had arrived at the conclusion that it would be right to provide by law for the continuance to a convert of all his right of property of whatever kind, including those of inheritance and partition, and when in 1905 his successor as Dewan, proceeded to embody this concession in a draft regulation.

To justify the change of attitude on the part of the bar at the present stage it would appear necessary to show t the opposition which the legislation would arouse is far er and deeper and more likely to be lasting than was conplated in 1895 and 1905. Is this, however, the case? To t extent were the petitions received against the draft reation evidence of a really widely-felt and independent opition based upon more than an organised misrepresentation the scope and intention of the proposed law? In short, is re any reason to suppose that the opposition would not fa y and be forgotten by the people generally in a very few ths.

(ii) This brings me to what appears to be the principal gument advanced in Mr. Madhava Rao's memorandum, viz., tha e rule of Hindu Law that a Hindu who becomes a convert to ther religion shall forfeit his rights to property against s family is merely a measure adopted by Hindu Society with e object of self-preservation. The answer, I think, is su ied by the experience of the working of Act XXI of 1850 in during the past 59 years. Opinions differ as e degree to which that enactment has proved operative, but e has been found to argue that it has had a disruptive eff Hindu Society.

(iii) Mr Madhava Rao considers that the question is for which a remedy can be found without legislation "in tl silent influence of education, the growth of public opinic within the community the inherent elasticity of even the s posed immutable system of Hindu Social usages and the acti of the Courts of Law". I am afraid I cannot agree. Conve to another religion is more than a departure from social u and the judgment of the Chief Court in Dasappa vs. Chikkan pronounced so recently as 1894 seems to have reaffirmed tl principles of the ancient Hindu Law so as to fetter conver with legal disabilities which nothing less than legislatic remove. If redress is not given now, its denial must be r garded as final. The question is whether the present is a time when it is inexpedient for His Highness' Government t bring forward such a measure.

Mr. Madhava Rao thinks that the time is inopport because the public mind is agitated all over India. There however, in my opinion, another point of view, which deser consideration. The situation in India has changed very mu ly in the past few weeks, since the scheme of Reform was u folded by Lord Morley in Parliament. A year ago the polit agitator, if he attributed legislation by the Durbar to re Christian disabilities to the influence of the British Gov ment, would doubtless have found an opportunity "of misint preting the motives of the Government of India and discred ing them in the eyes of the people as alien and therefore sympathetic". But I venture to think that at the present da charge of want of sympathy on the part of the British Gover ment would deceive few, and leaders of public opinion thro out India, whose vision is fascinated with the enlarging sibilities of political progress for a united India might see in the proposed legislation, not the interference of Christian Government on behalf of co-religionists, but tl

ultimate bar to the realization of Indian ideals. If His Highness Government agrees in this view it might be stated publicly as one of the objects and reasons for taking legisrative action.

Yours sincerely,
Sd/- S.M. Fraser.